

**A G E N D A**

***City Council Meeting***

***Monday, February 4, 2019 – 6:00 p.m.***

➤ **OPENING**

- **Call to Order**
- **Invocation by Pastor Gary Johnson, Woodlawn Baptist Church**
- **Pledge of Allegiance**
- **Roll Call**

➤ **RECEIVE INFORMAL PUBLIC COMMENT**

***Informal Public Comment – Speaker Protocol***

The City of Garden City believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. Informal Public Comments are scheduled for a total of fifteen (15) minutes and each person will be limited to three (3) minutes. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. Speakers not heard during the limited fifteen (15) minute period will be first to present their comments at the next Council meeting. The opportunity to address City Council on a topic of his/her choice shall be used by an individual only one (1) time per month. It may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Garden City, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agendized matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

➤ **RECEIVE FORMAL PUBLIC COMMENT – *No formal requests***

**Formal Public Comment – City Council Agenda Protocol**

The City of Garden City has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Garden City requires that individuals who desire to formally address the City Council submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on the meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal ***“REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA”*** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the first and third Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or e-mail and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager and on the City’s website [www.gardencity-ga.gov](http://www.gardencity-ga.gov). The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised the completion of a request form does not entitle the speaker to be added to the agenda.

➤ **CONDUCT PUBLIC HEARINGS – *No public hearings***

**Speaking to a Public Hearing Item Protocol**

In the interests of time and to ensure fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record.

Speakers addressing City Council on a public hearing item should coordinate comments to respect City Council’s time limits. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

***PROCEDURES FOR CONDUCTING PUBLIC HEARINGS ON PROPOSED ZONING DECISIONS BEFORE  
GARDEN CITY'S MAYOR AND COUNCIL AND STANDARDS GOVERNING THE EXERCISE OF  
CITY COUNCIL'S ZONING POWER***

**Procedures for Conducting Public Hearings on Proposed Zoning Decisions:**

All public hearings conducted by the Mayor and Council on Garden City, Georgia, on proposed zoning decisions shall be conducted as follows:

- (1) All public hearings by the Mayor and Council on zoning amendments shall be chaired by the Mayor.
- (2) The Mayor shall open the hearing by stating the specific zoning amendment being considered at the public hearing and further stating that printed copies of the adopted standards governing the exercise of the Mayor and Council's zoning power and the procedures governing the hearing are available to the public.
- (3) The Director of the City's Planning and Zoning Department shall advise the Mayor and Council of the recommendation of the Planning Commission when applicable.
- (4) The Mayor shall determine the number of attendees who desire to testify or present evidence at the hearing.
- (5) When there is a large number of individuals wishing to testify at a hearing, the Mayor may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Proponents, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and expert opinions; opponents of the proposed decision shall have an equal minimum period of time. The Mayor may grant additional time; provided, however, an equal period of time shall be granted both sides.
- (6) The petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (7) After all individuals have had an opportunity to speak in accordance with subparagraph (6) above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- (8) The Mayor may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor of or opposed to the proposed decision.
- (9) It shall be the duty of the Mayor to maintain decorum and to assure the public hearing on the proposed decision is conducted in a fair and orderly manner.
- (10) Once all parties have concluded their testimony, the Mayor shall adjourn the public hearing.

**Standards Governing the Exercise of The Zoning Powers of Garden City's Mayor and Council:**

Prior to making a zoning amendment, the Mayor and Council shall evaluate the merits of a proposed amendment according to the following criteria:

- (1) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (3) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- (4) Will this request place irreversible limitations or cause material detriment on the area similarly zoned as it is or on future plans for it?
- (5) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
- (6) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

➤ **Approval of City Council Minutes**

- Consideration of City Council Minutes (1/22/19)

➤ **Staff Reports**

- Receive Monthly Departmental Report from Director of Human Resources
- Receive Monthly Departmental Report from Director of Information Technology
- Receive Monthly Departmental Report from Director of Parks & Recreation

➤ **City Manager's Updates & Announcements**

➤ **ITEMS FOR CONSIDERATION**

- **Resolution, Protection of Georgia's Coast:** A resolution of the City of Garden City supporting Georgia's coastal tourism and fisheries as economic drivers and opposing seismic testing off of Georgia's coast.
- **Resolution, Memorandum of Understanding for County 911 Communications:** A resolution authorizing Garden City, Georgia, through the City's Fire Department to enter a memorandum of understanding with Chatham County, Georgia, for the provision of 911/Emergency dispatching services.

➤ **ADJOURN**

## **MINUTES**

### **City Council Meeting Tuesday, January 22, 2019 – 6:00 p.m.**

**Call to Order:** Mayor Bethune called the meeting to order at 6:00 p.m.

**Opening:** Pastor Daren Russell, Chapel in the Gardens Presbyterian Church gave the invocation and Mayor Bethune led City Council in the pledge of allegiance to the flag.

**Roll Call:** Members: Mayor Bethune presided. Council Members: Mayor Pro-tem Bessie Kicklighter, Councilmember Bruce Campbell, Councilmember Rosetta Cody, Councilmember Marcia Daniel, Councilmember Ruiz and Councilmember Tice.

**Staff:** Ron Feldner, City Manager; James P. Gerard, City Attorney; Rhonda Ferrell-Bowles, Finance Director/Clerk of Council; Gilbert Ballard, Chief of Police; Corbin Medeiros, Fire Chief; Ron Alexander, Planning Director; Jackie Jackson, Special Projects Coordinator; Benny Gooze, Public Works Director; Ben Brengman, IT Director and Scott Robider, Code Enforcement Supervisor.

**Presentation:** Mayor Bethune and Chief Medeiros recognized Firefighter Jeff Mills as Firefighter of the Fourth Quarter of 2018.

**Informal Public Comment:** Mayor Bethune opened the floor for public comment.

Ms. Teresa Robinson, 4006 Fourth Street, said I have a house at 707 Davis Avenue that burned. She said I have been trying to renovate the house, but I'm having issues understanding what the building department needs me to do.

City Manager said I'll have to research this and then set up a meeting between staff and Ms. Robinson.

There being no further questions or comments, Mayor Bethune closed the informal public comment portion of the meeting.

**City Council Minutes:** Upon motion by Councilmember Kicklighter, seconded by Councilmember Tice, City Council voted unanimously to approve the council minutes dated 1/7/19 and the workshop synopsis dated 1/14/19.

#### **Staff Reports:**

Planning Director presented the Planning Department's year-end report for 2018.

Public Works Director presented the Public Works Department and Water Operations' year-end report for 2018.

Chief of Police presented the Police Department's year-end report for 2018.

Fire Chief presented the Fire Department's year-end report for 2018.

**City Manager Updates & Announcements:** City Manager said I have no updates or announcements.

**Items for Consideration:**

**Resolution, Qualifying Fee:** Clerk of Council read the heading of a resolution by the Mayor and Council to set the qualifying fee for the Office of Mayor at \$180 and \$108 for the Office of City Council for the general election in November 2019.

Upon motion by Councilmember Tice, seconded by Councilmember Cody, City Council voted unanimously to adopt the resolution.

**Resolution, Municipal Election Duties:** Clerk of Council read the heading of a resolution by the Mayor and Council to authorize the Board of Elections of Chatham County, Georgia, to perform all duties as the municipal superintendent of elections with the exception of the qualification of candidates which shall be the responsibility of the Clerk of Council and to authorize the Chatham County Board of Registration to perform the duties of absentee ballot clerk. Qualifying for Mayor and City Council will take place at City Hall commencing on Monday, August 19, 2019 at 8:30 a.m. and ending Thursday, August 22, 2019 at 4:00 p.m.

Upon motion by Councilmember Tice, seconded by Councilmember Campbell, City Council voted unanimously to adopt the resolution.

**Resolution, Brunch Bill Referendum:** Clerk of Council read the heading of a resolution by the Mayor and Council to call for a referendum election to be held on November 5, 2019, to permit the voters of Garden City to decide whether Garden City is authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for by the drink from 11:00 a.m. to 12:30 p.m.

Upon motion by Councilmember Campbell, seconded by Councilmember Cody, City Council voted unanimously to adopt the resolution.

**Resolution, Level One Freeport Exemption Referendum:** Clerk of Council read the heading of a resolution pursuant to the Georgia Constitution, the Official Code of Georgia Sections 48-5-48.2 and the City of Garden City Charter calling for a special election for a referendum for the purpose of submitting the question of whether or not the governing authority of Garden City, Georgia, shall be authorized to exempt from ad valorem taxation certain tangible personal property held by a fulfillment center as allowed by a Level One Freeport Exemption.

Upon motion by Councilmember Ruiz, seconded by Councilmember Tice, City Council voted unanimously to adopt the resolution.

**Resolution, GDOT Time Task Force Program:** Clerk of Council read the heading of a resolution by the Mayor and Council to adopt the Georgia Open Roads Policy and quick clearing principles and practices developed in the 2011 Georgia Traffic Incident Management Guidelines.

Upon motion by Councilmember Tice, seconded by Councilmember Daniel, City Council voted unanimously to adopt the resolution.

**FY2019 Municipal Court Fee Schedule:** Clerk of Council said we have for consideration by the Mayor and City Council of the updated municipal court fee schedule for fiscal year 2019.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Cody, City Council voted unanimously to adopt the resolution.

**Adjournment:** Upon motion by Councilmember Campbell, seconded by Councilmember Ruiz, City Council voted unanimously to adjourn the meeting at 6:28 p.m.

*Transcribed and submitted by: Clerk of Council*

*Accepted and approved by: City Council 2/4/19*

**REPORT TO MAYOR AND CITY COUNCIL**

**AGENDA ITEM**

**TO:** THE HONORABLE MAYOR AND CITY COUNCIL      **DATE:** February 4, 2019

**SUBJECT:** Human Resources Department Report for January 2019

**Report in Brief**

Attached is the Human Resources Department's Month End Report.

Prepared by: Pam Franklin

Title: Human Resources Director

Reviewed by: \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
City Manager

Attachment(s)



## Human Resources Department / Month End Report

### Recruitment/Positions filled

The City is recruiting for a Police Records Clerk, Deputy Clerk of Court, 2 Repair Technicians, Police Officer and/or Police Officer Recruit.

### New Hires

No new hires during January.

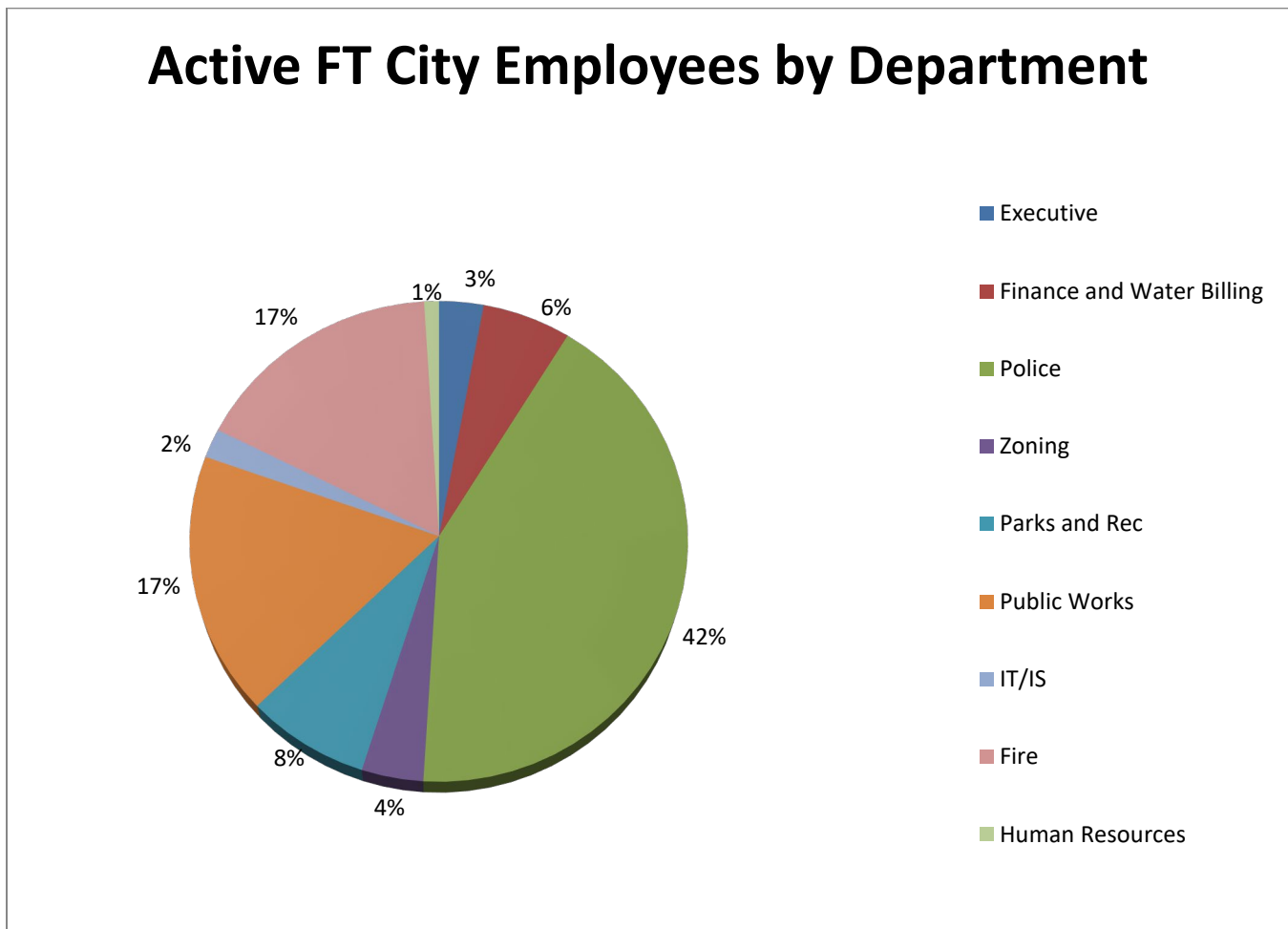
### Employment Terminations

One employee separated from employment during the month.

### City Employment

The City ended the month with a total of 102 full-time employees.

The chart below illustrates the percentage distribution by department of full-time employees with actual employee count by department to the right of each department.



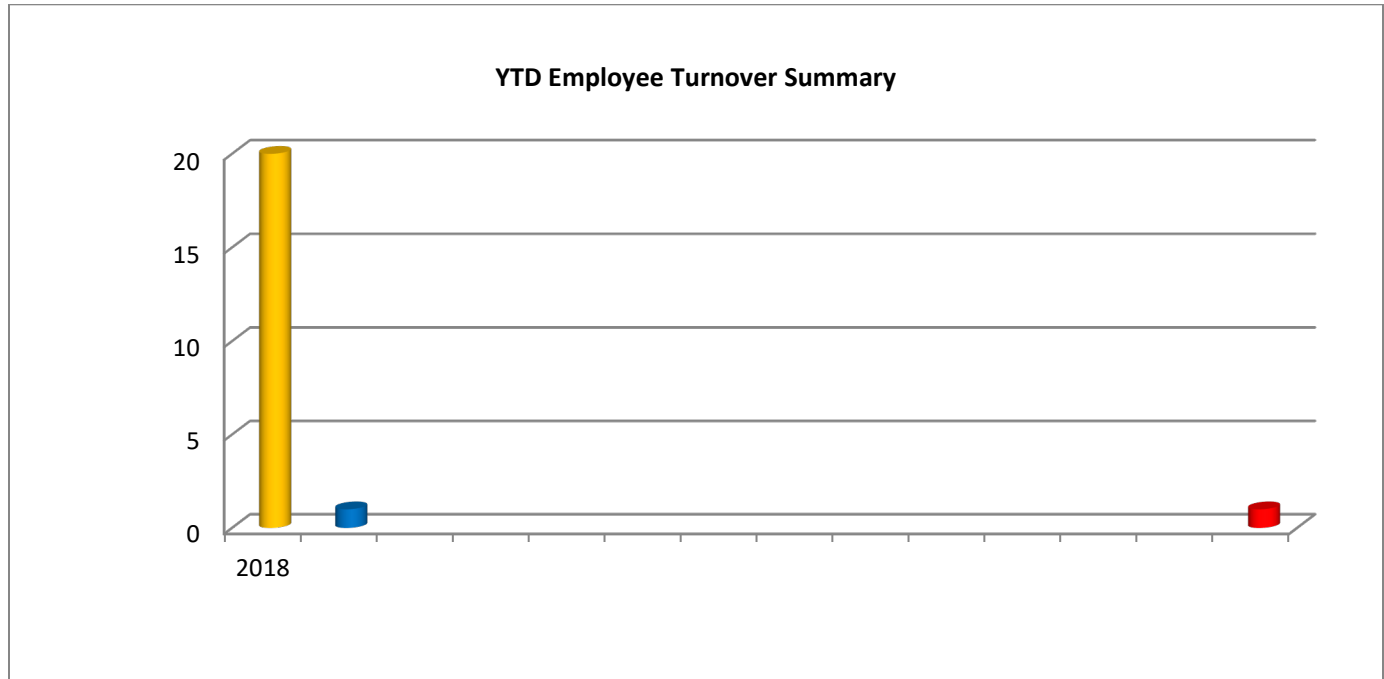
**FIGURE 1** NOTE: 2019 TOTAL COUNCIL APPROVED/BUDGETED POSITIONS IS

## EMPLOYEE TURNOVER DATA

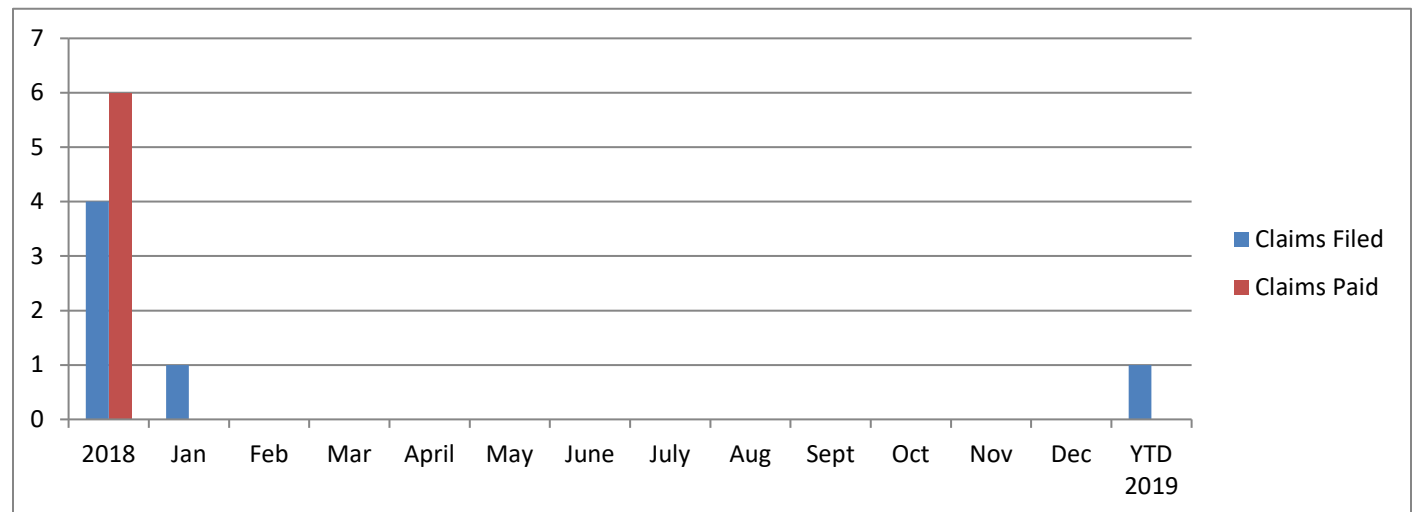
*The City's turnover rate per month*

➤ January 1%

The graph below illustrates turnover in full time positions for current year 2019 compared to turnover occurring in the previous year.

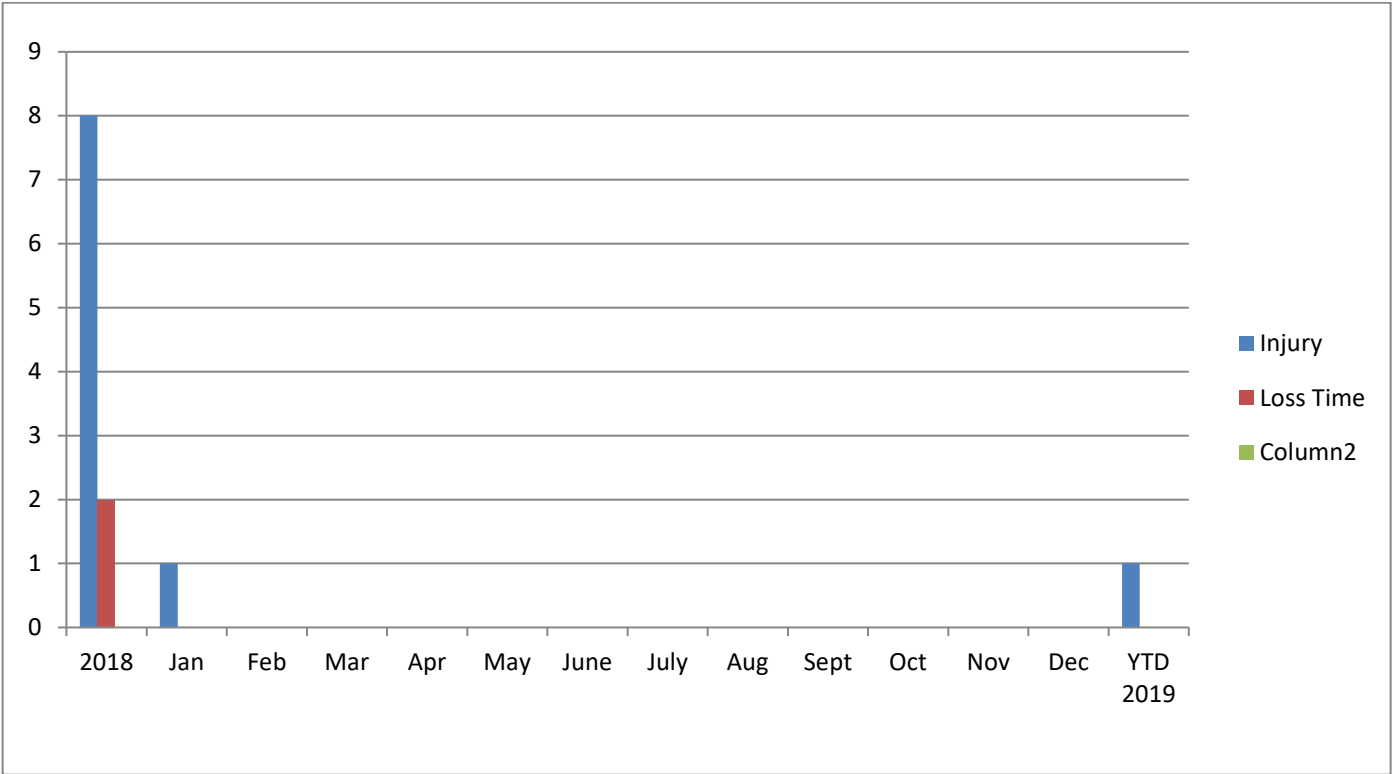


**Unemployment Claims:** The City received one unemployment claim during January.



# Workers Compensation

The City experienced one workplace incidents with no loss time during the month.



**REPORT TO MAYOR AND CITY COUNCIL**

**AGENDA ITEM**

**TO: THE HONORABLE MAYOR AND CITY COUNCIL      DATE: 2/4/2019**  
**SUBJECT:    *Technology Department Report for the Month of January 2019***

**Report in Brief**

The Technology Department Monthly Status Report includes a wide variety of information in an effort to better inform the public and the City Council.

Prepared by: Benjamin Brengman  
Title                      Director of Information Technology

Reviewed by: \_\_\_\_\_  
Title                      \_\_\_\_\_

\_\_\_\_\_  
Ron Feldner, City Manager

Attachment(s)

## **Technology Report**

- Implemented the WatchGuard car camera and body server and infrastructure.
- Purchased six laptops for the police department.
- Installed two new printers.
- Setting up technology classes at the Senior Center.

## **Website**

- Currently we have 1011 followers on Facebook and 484 followers on twitter.

## **Building Maintenance**

- Began quarterly maintenance on the floors.
- Completed maintenance on the HVAC system.

## REPORT TO MAYOR AND CITY COUNCIL

## AGENDA ITEM *Parks & Recreation*

**TO: THE HONORABLE MAYOR AND CITY COUNCIL**

**DATE:** January 30<sup>th</sup> 2019

**SUBJECT: *Parks & Recreation 2019 January Report***

### **Report in Brief**

The Parks & Recreation Monthly Status Report includes a summary of the monthly activities and projects of all divisions within the Department. This report also provides information regarding key items of interest and/or activities throughout the month. Garden City Parks and Recreation Department January report. Our staff continues to enjoy opportunities to provide quality programming and facilities to our residents. We encourage all residents to engage themselves in a program of choice and begin reaping the emotions and physical rewards associated with teamwork, interaction and physical and mental activity.

The operations detail contained in this report is for the Month of January 2019 and all related information is current as of January 30, 2019.

Prepared by: Cliff Ducey  
Title Parks & Recreation Director

Reviewed by: \_\_\_\_\_  
Title \_\_\_\_\_

\_\_\_\_\_  
Ron Feldner, City Manager

Attachment(s)

**Parks & Recreation Department  
Status Report  
Summary - January 2019**

**Adult/Youth/Sports Programs & Community Relations Activities/Events**

**Adult Programs**

**Senior Center**

For the month of January, attendance has been up with new faces coming into center.

In January an average of 36 Senior Citizens attended/participated in adult programs at the Senior Center. Total number of lunch meals served 597. ***Activities included: Devotion time, bingo, trivia, puzzles, dominoes, bridge, cards, pool and line dancing and muscle strengthening exercise.***

➤ ***Monthly Programs Offered***

The van was filled to capacity for the monthly trip to Hilton Head and also for our monthly Out to Eat night.

Game Night is still one of the favorite nights of the month for our Seniors.

Super Bowl Party Friday February 1<sup>st</sup> where seniors enjoyed games, trivia, and most importantly all of the famous "game food".

February 19th Kelly Tours will sponsor lunch for the Garden City Seniors as they give their 2019 "Travel Talk".

- New programs are offered each month, so stop by the Garden City Senior Center to see *what's new*.

Come join the fun!!

## Youth Programs

### Cooper Center

During the month of January, 15 per day Youths attended/participated in youth programs/after school. **Activities included: Ping-Pong, indoor board games and playground.**

#### ➤ **Monthly Programs Offered**

- Computer help
- Home Work help
- Ping Pong, Air hockey, Board games
- Outdoor fenced in playground and basketball court.

## Sports Programs/Activities

During the month of January, 157 Youths participated in Garden City's Youth Sport Programs.

- Basketball season underway (we have 15 teams).

#### ➤ Basketball -135

#### ➤ Gymnastics - 22

#### ➤ **Upcoming Sports Programs/Events**

#### ➤ **Garden City will host the 2019 Georgia Recreation & Parks Association Class A District 2 Basketball Playoffs for 8 & Under Boys February 21<sup>st</sup>, 22<sup>nd</sup> & 23<sup>rd</sup> at the Garden City Gym.**

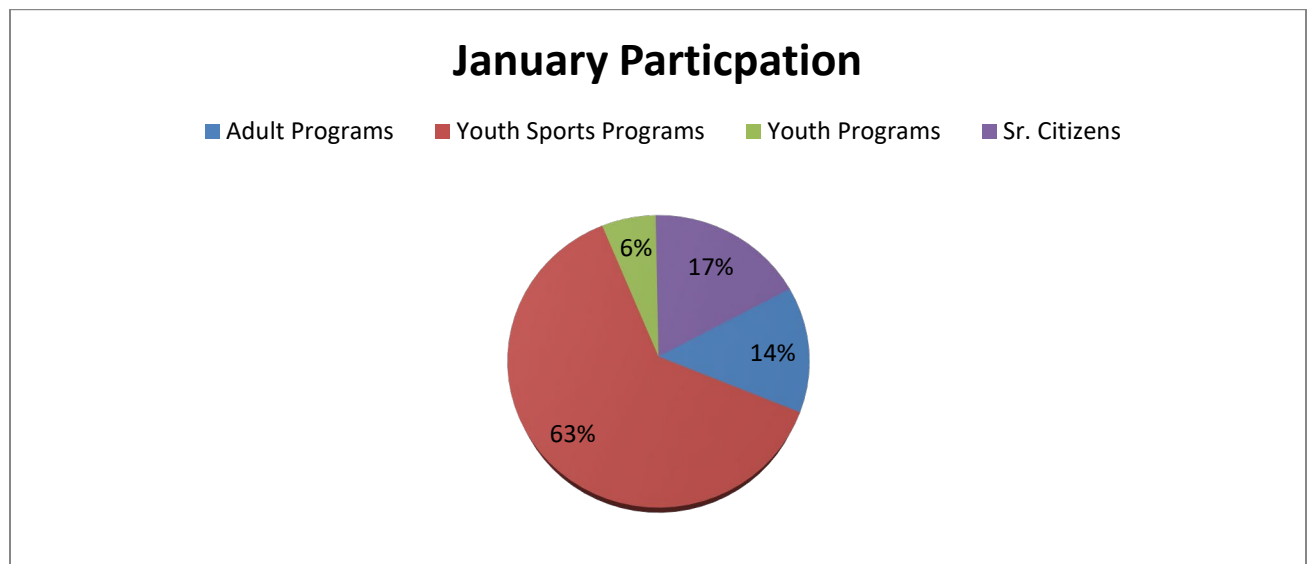
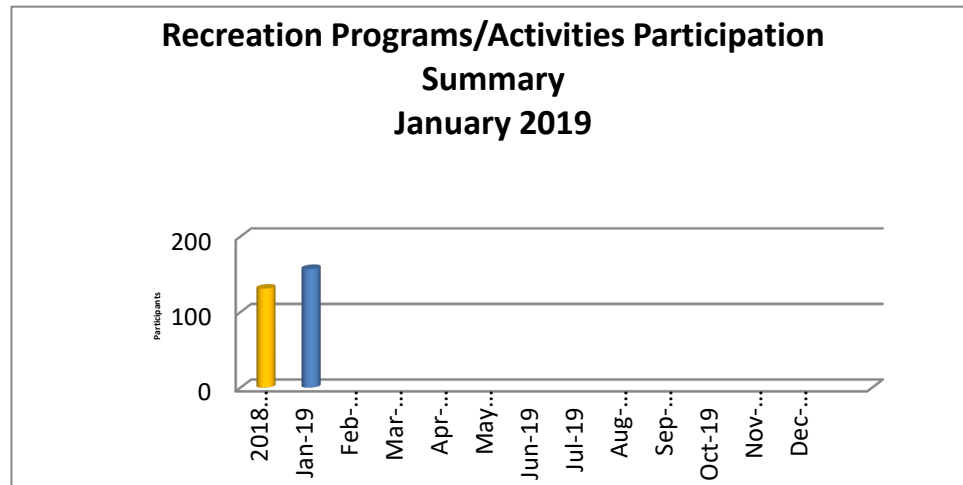
#### ➤ **Sign-ups**

- Baseball registration underway (ages 6- 14).
- Softball registration underway (ages 6-12).
- T-Ball registration underway (ages 3-5).

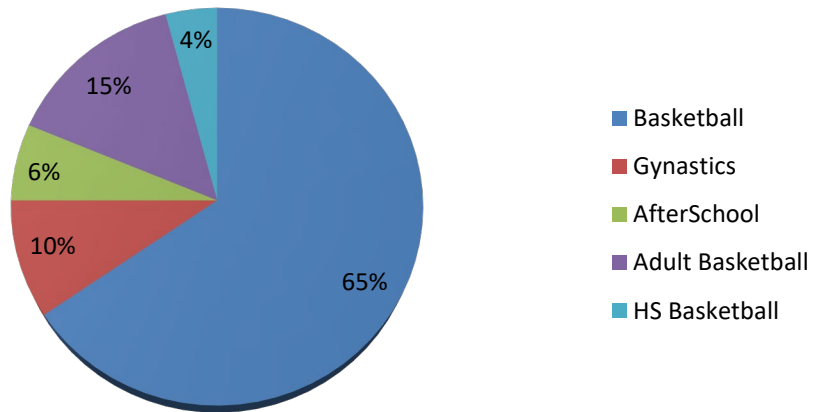
Sign-up taken at Garden City Gym Monday –Friday 8:30am – 5pm



*The graphs below are visual summaries of the number of participants in Garden City's Recreation Programs/Activities.*



Top 3 Activities January 2019



## ▣ Parks Maintenance/Improvement Projects

**Project Name:** Bazemore Park Baseball Season Prep. Over seed infields and reshape infield base cut-outs.

**Start Date:** January 22<sup>nd</sup> 2019

**Status:** in process

**Project is underway by Parks and Recreation Staff.**

## RESOLUTION

### **A RESOLUTION OF THE CITY OF GARDEN CITY SUPPORTING GEORGIA'S COASTAL TOURISM AND FISHERIES AS ECONOMIC DRIVERS AND OPPOSING SEISMIC TESTING OFF OF GEORGIA'S COAST**

WHEREAS, Georgia's fishing and tourism industries and the state's economy are dependent on healthy natural environments and safe ocean systems along the Georgia coast; and

WHEREAS, Georgia's coast supports a significant fishing and tourism industry, which benefits the state economy in terms of 21,000 jobs and over \$1.1 billion of Georgia's gross domestic product (GDP); and

WHEREAS, Georgia's coast contains 368,000 acres of saltmarsh that provide essential nursery grounds for fish, shellfish, crab, and other marine life important to the vitality of local fisheries; and

WHEREAS, exploratory and commercial drilling, extraction, and transportation of offshore oil pose the risk of spills that could adversely affect coastal Georgia's Floridan Aquifer system used as a primary source of drinking water in coastal Georgia; and

WHEREAS, eventual offshore drilling may require significant onshore infrastructure, such as pipelines or refineries, which would harm the character of the coast; and,

WHEREAS, offshore drilling activities pose threats to pristine destinations on Georgia's Coasts, the which are of intrinsic economic value for numerous industries, provide essential nursery habitats for recreational and commercially important fisheries, and act as natural buffers from storm surge and hurricanes; and,

WHEREAS, Garden City recognizes that the tourism and fishing industries, which depend on a healthy and vibrant coastal environment, both serve as major economic drivers benefiting the current and future residents, property owners, and visitors to Georgia; and,

WHEREAS, Garden City endeavors to be a good steward of the State and region's environment and its resources; and,

WHEREAS, more than 140 of Georgia's towns and cities along the Atlantic Coast have passed official resolutions against Atlantic oil drilling and seismic testing, including the city of Savannah, Tybee Island, Brunswick, St. Mary's, Kingsland, Hinesville, the city of Atlanta, the Town of Thunderbolt, Richmond Hill, and Chatham County; and

WHEREAS, a healthy tourism industry and economy are vital to protect the public health, safety, and welfare of Georgia citizens.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garden City hereby express its opposition to these potential activities and practices off Georgia's coast.

Unanimously adopted this \_\_\_\_ day of \_\_\_\_\_ 2019 at the Regular Meeting of the City of Garden City Council.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Don Bethune  
Mayor, City of Garden City

ATTESTED: \_\_\_\_\_

Rhonda Ferrell-Bowles, Clerk of Council

## **RESOLUTION**

A RESOLUTION AUTHORIZING GARDEN CITY, GEORGIA, THROUGH THE CITY'S FIRE DEPARTMENT, TO ENTER A MEMORANDUM OF UNDERSTANDING WITH CHATHAM COUNTY, GEORGIA, FOR THE PROVISION OF 911/EMERGENCY DISPATCHING SERVICES.

WHEREAS, under State laws governing 911/Emergency Communications, Chatham County, Georgia, is responsible for implementing a 911 emergency dispatch and communications service (the "911 Services") on a countywide basis, in Chatham County, with the exception of Tybee Island, in return for receiving from each municipality and the unincorporated area the 911 fees which are charged and collected on each telephone line (the "911 Fees"); and,

WHEREAS, the City recognizes that it is in the best interest of its citizens and the furtherance of the health, safety and welfare of its citizens to have Chatham County, Georgia, implement a unified emergency dispatch and communications system; and,

WHEREAS, Garden City, Georgia, desires to enter into a Memorandum of Understanding with the County specific to providing 911 Services to locations within its corporate limits; and,

WHEREAS, the terms and provisions of such understanding between the County and the City include, but are not limited to (a) the term of such arrangement being for three (3) years, but being terminable by either party at any time with at least ninety (90) days advance notice; (2) any costs and expenses incurred by the County as a result of providing 911 Services in excess of the 911 revenues received by the County from telephone or 911 service providers being borne solely by the County with no contribution in the form of reimbursement or compensation being paid by the City; and (3) any 911 revenues received by the County from telephone or 911 service providers in excess of the cost and expense incurred by the County for implementing the 911 Services being deposited into a restricted reserve fund to be maintained by the County and spent solely for purposes relating to the provision of such Services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Garden City, acting in its capacity as the governing authority of Garden City, Georgia, as follows:

(1) Garden City, Georgia, through its Fire Department, shall enter into that certain Memorandum of Understanding, and Addendum thereto, between Chatham County, Georgia, and Garden City, Georgia, having an effective date of January 1, 2019, attached hereto as Exhibit "A" (the "MOU") outlining the terms and conditions pursuant to which the County shall provide 911 Services to Garden City, Georgia, in return for receiving the 911 Fees as its sole consideration from the City for providing such Services, said MOU to be executed by the City Manager.

(2) This Resolution shall take effect immediately upon its adoption.

ADOPTED, this 3<sup>rd</sup> day February, 2019.

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RHONDA FERRELL-BOWLES, Clerk of Council

RECEIVED AND APPROVED this \_\_\_\_ day of February, 2019.

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DON BETHUNE, Mayor

EXHIBIT "A"

**MEMORANDUM OF UNDERSTANDING**

**CHATHAM 911 COMMUNICATIONS SERVICES AND THE GARDEN CITY FIRE DEPARTMENT  
AGREEMENT FOR RADIO DISPATCHING ACTIVITIES**

This agreement is made and entered into and will be effective on the 1st day of January, 2019, between the Chatham 911 Communications Services and the Garden City Fire Department, hereinafter referred to as the "GCFD". Chatham 911 Communications Services provides an E-911 Public Safety Answering Point (PSAP) and provides 911 dispatching services to the GCFD in return for 911 funds collected throughout Chatham County.

Chatham 911 Communications Services shall maintain records of dispatched calls to the GCFD to include the time the call was received, the time the call was dispatched, the location of the call, the nature of the call, the units dispatched to the call as well as the status of the units once the call has been completed.

Any matters of law relating to the operation of the PSAP will be referred to the Chatham County attorneys for resolution.

All employees in the Chatham 911 Communications Services PSAP are employees of Chatham 911 Communications Services and under the control of the Chatham 911 Communications Services Authority. The Communications Supervisors, under the direction and management of the Communications Director, will enforce all policies and procedures pursuant to the operation of the PSAP, and Chatham 911 Communications Services Office of Professional Standards will investigate any breach of these policies and procedures. Chatham 911 Communications Services has total control to hire, fire, and discipline employees who provide services in the Chatham 911 Communications Services E-911 Center.

All equipment, to include radio frequencies, transmitters, Computer Aided Dispatch (CAD) Systems (CAD) System, and computer equipment is the property of Chatham 911 Communications Services and will be maintained by Chatham 911 Communications Services.

An annual review of the Agreement will be conducted by the CEOs of Chatham 911 Communications Services and the GCFD. This agreement may be amended by the mutual agreement of the parties hereto. Such amendment shall be in writing to be attached to and incorporated into this agreement.

This agreement supersedes all other Memorandums of Understanding regarding radio dispatching between Chatham 911 Communications Services and the GCFD issued prior to January 1, 2019.

\_\_\_\_\_  
9-1-1 Authority  
Chatham 911 Communications Services

\_\_\_\_\_  
/Ron Feldner, City Mgr.  
Garden City, Georgia, through its  
Garden City Fire Department

## **ADDENDUM**

**THIS ADDENDUM** is made this 1<sup>st</sup> day of January, 2019, and is added to and amends that certain Memorandum of Understanding by and between the Chatham County (hereinafter referred to as the "County") and Garden City, through the Garden City Fire Department (hereinafter referred to as the "GCFD"), which Memorandum of Understanding (the "MOU") is dated as of January 1, 2019 (the "Effective Date"), to evidence agreement upon the basic terms for providing 911 radio dispatching activities. Said Memorandum of Understanding is amended as follows:

1. **Financial Responsibility for Providing 911 Dispatching Services.** Any costs and expenses incurred by the County as a result of providing 911 dispatching services in excess of the 911 revenues received by the County from telephone or 911 service providers shall be borne solely by Chatham County, with no contribution in the form of reimbursement or compensation being paid by the GCFD or the City of Garden City. In the event that such costs and expenses are less than the 911 revenues received by the County from telephone or 911 service providers, the excess monies shall be deposited into a restricted reserve fund to be maintained by the County and spent solely for purposes relating to the provision of 911 dispatching services pursuant hereto.
2. **Term.** The term of this MOU shall begin on the Effective Date and shall continue for three (3) years therefrom (the "Termination Date").
3. **Termination.** Either party may terminate this MOU at any time provided that a termination notice be provided at least ninety (90) days in advance of the effective date of such termination so as to provide time for any adjustments in response procedures that may be necessary.
4. **Liability.** To the extent authorized by law, the County shall be responsible for any and all claims, damages, liabilities, and court awards, including costs, expenses and attorneys' fees, incurred as a result of any action or omission of County or any of its officials, officers, employees, and agents in connection with the subject matter of this MOU. Both parties hereby waive all claims and causes of action against the other as well as their respective officials, officers, employees, and agents, for any damages, personal injury or death which may result or occur as a consequence, direct or indirect, of the performance of this MOU. Nothing, however, in this MOU shall be construed as a waiver of any and all notice requirements, defenses, immunities, and limitations which the County may have under Georgia law, or to any other defenses, immunities, or limitations or liability available to the County against third parties by law.
5. **Amendment.** This MOU may be amended, modified, or changed, in whole or in part, only by written agreement executed by the parties in the same manner as this MOU.

6. **No Third Party-Beneficiary.** This MOU shall not be construed as, or deemed to be, an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action under this MOU for any cause whatsoever.
7. **Entire Agreement.** This MOU terminates and supersedes all prior agreements between the parties hereto pertaining to the subject matter herein, whether orally or in writing, and constitutes the entire agreement between the parties hereto subject only to modification by a subsequent writing of equal formality with this instrument executed by the parties hereto and making reference to the same. This MOU, however, is not deemed to supersede or impair contemporaneous or subsequent written agreements between the parties hereto referenced or contemplated herein or attendant hereto.
8. **Separability.** If any provision of this MOU is contrary to any existing or future statute or judicial decision of any court, neither the validity nor the effectiveness of any of the other terms or provisions of this MOU shall be effected thereby.
9. **Authority.** Both parties covenant and warrant that each has the legal authority to enter into this MOU.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum as of the day and year first above written.

GARDEN CITY FIRE DEPARTMENT, A  
DIVISION OF GARDEN CITY, GEORGIA

BY: \_\_\_\_\_

Ron Feldner, City Manager

CHATHAM COUNTY, GEORGIA

BY: \_\_\_\_\_

Albert J. Scott, Chairman  
Board of Commissioners

Approved as to legal form:

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R. Jonathan Hart  
County Attorney